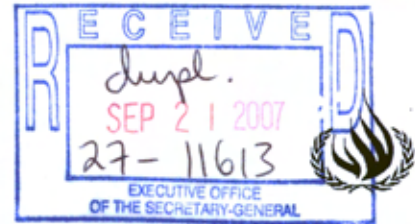


NATIONS UNIES  
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



*H.R. Council*  
UNITED NATIONS  
HIGH COMMISSIONER FOR HUMAN RIGHTS

## MEMORANDUM



A/TO: Mr. Vijay Nambiar  
Chef de Cabinet

REF: IB/lct

DE/FROM: Louise Arbour *[Signature]*  
High Commissioner for Human Rights

DATE: 19 September 2007

OBJET: **Sixth session of the Human Rights Council (10-28 September 2007) –**  
SUBJECT: **Summary of the first week**

Please find attached, the summary of the first week of the sixth session of the Human Rights Council, for further distribution as you deem fit.

Thank you.



**HUMAN RIGHTS COUNCIL**  
**Sixth session 10-28 September 2007**

**Summary of the first week**  
**10-14 September 2007**

Last week, the Council:

- opened its sixth session;
- discussed on organizational and procedural matters;
- heard an address by the Minister of justice of Mauritania;
- organized informal meetings on pending issues concerning the institution-building;
- held an interactive dialogue with mandate holders after presentation of thematic reports;
- heard a statement by the High Commissioner for Human Rights followed by States and NGOs comments;
- heard an address by the Assistant Minister of Foreign Affairs of Serbia;
- started assessing two special procedures mandates.

**Opening session**

The Human Rights Council (the Council) opened its sixth session (the first of the second cycle) on Monday 10 September 2007 in Palais des Nations in Geneva. In his opening statement, the President of the Council, **Ambassador Doru Romulus Costea** (Romania), indicated that the sixth session will focus on achieving two objectives linked together: (1) to conclude the institutional-building package by implementing the pertinent decisions that the Council adopted at the end of the previous cycle; (2) to consider substantive issues, including presentation of reports by special procedures and the Office of the High Commissioner for Human Rights (OHCHR).

**Organizational and procedural matters**

The programme of work for the sixth session includes two periods: (1) from 10 to 28 September 2007 with a thematic discussion on integrating a gender perspective into the work of the Council; (2) from 10 to 14 December 2007 with an event on the international day on human rights and the beginning of the commemoration of the 60<sup>th</sup> anniversary of the Universal Declaration on Human Rights. The President stressed that the draft programme of work could be adapted all the way through the session.

In relation to the assessment of mandates, the President insisted on the fact that the process was member-state driven and suggested three stages: the assessment of the mandate, the presentation of the annual/final report by the mandate holder and the outcome of the review, rationalization and improvement of each mandate. He underlined that the three stages would not necessarily take place at the same session; that a decision on this will be taken on a case-by-case basis.

The President finally announced that informal consultations would start in the afternoon and will focus on the facilitation processes, including a test on the UPR selection process as prepared by the Secretariat. The Council then heard statements



by representatives of regional groups who made comments on the draft programme and its modalities.

#### **Address by the Minister of Justice of Mauritania**

Also on Monday 10 September 2007, **Mr. Liman Ould Teguedi**, Minister of Justice of Mauritania, delivered a statement in which he underlined that his country was at an important turning point after a successful transition to democracy which allowed many progress regarding various matters such as strengthening the rule of law, the rights of women, criminalization of the practice of slavery and the issue of Mauritanian refugees.

#### **Informal meetings**

The Council held informal consultations on the institution-building process from 10 to 13 September 2007. The President decided that the Council would address the issues consecutively and delegations will discuss one-by-one the non-papers of Facilitators. The Council discussed on the technical and objective requirements for the submission of candidatures to the Human Rights Council Advisory Committee (Ambassador Alicia Gallegos of Nicaragua, Facilitator); on the guidelines for the preparation of information under the UPR (Ambassador Mohammed Loulichki of Morocco, Facilitator); and on technical and objective requirements for eligible candidates for mandate holders (prepared by the President).

The Council held another informal discussion on the status of the working groups of the former Sub-Commission, mainly the Working Group on minority issues, the Working Group on Contemporary Forms of Slavery, the Working Group on Indigenous Populations, the Social Forum and the Working Group on Communications. Regarding the latter, in order to avoid a protection gap and a serious backlog of communications, the President underlined that immediate action was needed and suggested some options, among which nominating the five members of the former Working Group of the Sub-Commission to resume work for the following six months until the establishment of the new working group. Most of delegations were in favor of that option. Discussions and consultations will continue for the other working groups during the session.

Finally, the Secretariat presented to the Council a simulation of the UPR exercise with regard to the order of States to be reviewed and the selection of the groups of three rapporteurs (troika). Discussions were related mainly to the balance between member States and non-members in the review; terms of membership that have ended and been renewed; periodicity of review and the review of least developed countries (LDCs). Delegations welcomed the presentation and stressed that further discussions would be required in order to reach an agreement.

#### **Interactive dialogue after presentation of thematic reports**

Subsequent to informal consultations, the Council resumed its plenary on Thursday 13 September 2007 and took up its substantive work with the presentation of some thematic reports followed by interactive dialogue.

**Ms. Asma Jahangir**, Special Rapporteur on freedom of religion or belief presented her report (A/HRC/6/5) and pointed out the two equally important areas of concern for the mandate, namely the need to respect and protect the freedom of pursuing one's religion or belief and the need to protect the rights of individuals from being violated



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In response to this presentation, several States warmly welcomed Ms. Jahangir's report and explicitly expressed their support for the mandate and its extension. Delegations raised a number of issues, including the importance of inter-religious and intra-religious dialogue for the prevention of intolerance and discrimination, and for promoting respect for religions and beliefs.

**Mr. Rudi Muhammad Rizki**, Independent Expert on human rights and international solidarity, presented his report (A/HRC/4/8), focusing on three areas of concern: international cooperation; global responses to natural disasters, diseases, and agricultural pests; and third generation rights.

Several delegations highlighted their own best practices towards achieving international solidarity, often with a focus on funding development projects or working towards the Millennium Development Goals (MDGs). Most delegations highlighted the particular importance of international cooperation and international solidarity in the context of globalization. It was proposed to consider international solidarity as a right of peoples and the responsibility of the international community.

**Mr. Doudou Diène**, Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance presented his report (A/HRC/6/6), noted that the increasing trend in defamation of religions was notably manifested through the emergence of racist political platforms in the form of extreme-right parties and movements, in programmes of democratic political parties and more particularly through a dominant ideological environment, marked by two contradictory tendencies: the use of religion for political purposes and the distrust towards religions. He also emphasized that Islamophobia was, in the actual context, the gravest form of religious defamation, notably the equating of Islam to violence and terrorism.

During the interactive dialogue, delegates said, among other things, that the best response to manifestations of xenophobia was the constructive promotion of integration. They were of the view that Governments should express firm political commitment to the elimination of the practice of Islamophobia and Christianophobia, as these, along with anti-Semitism and other forms of discrimination based on religion or belief, were a source of racist practices. Delegates also suggested that the Council could give consideration to the adoption of complementary standards relating to the inter-relationship between freedom of expression, freedom of religion, and non-discrimination.

#### **High Commissioner statement followed by a general debate**

On Thursday 13 September 2007, the High Commissioner for Human Rights, **Ms. Louise Arbour**, made a statement in which she updated the Council on her Office's activities undertaken since the last session of the Council, including her recent and forthcoming visits as well as the expansion of her Office in the field. In her statement,



the High Commissioner urged the Council to take all necessary steps to ensure that activities related to the UPR began at the earliest date. She underlined that the review of mandates would also be an important opportunity to identify and close protection gaps in the special procedures system, and encouraged the Council to seize this opportunity. She congratulated the Preparatory Committee for the Durban Review Conference on its recent session. She finally confirmed that she would be happy to explore the appropriate modalities that could accommodate the request made by certain States to discuss her office's relationship with the Council.

Delegations thanked the High Commissioner and her Office for the support provided to the Council during its institution-building period and welcomed the OHCHR increase presence in the field. Different views were expressed as to the necessity to initiate at the earliest opportunity the UPR. Some delegations supported her opinion that the review should start as soon as possible and other delegations argued in favour of a postponement after the March 2008 Council's main session. It was also proposed that the guidelines presented by the Facilitator of the UPR also apply to the submission of information by other stakeholders; the need to have OHCHR reports for UPR containing objective and reliable information was reaffirmed.

Delegations further welcomed the designation of the High Commissioner as Secretary General of the Durban Review Conference and encouraged her to ensure that all necessary secretariat and financial support be provided to the preparatory process at regional and national levels, including the holding of regional meetings with the participation of civil society actors. They welcomed the High Commissioner's willingness to engage in a discussion on the relationship between the Council and the OHCHR, though some delegations favored even supervisory role of the Council in some aspects of her activities. They noted the increased support of her Office to the work of the Council and stressed the importance of geographical distribution within the OHCHR, and particularly within the UPR team. The recent establishment of a gender unit within OHCHR was welcomed and a briefing was requested on the role of the Legal Advocacy and Advice unit. Most delegations commented on the activities undertaken by OHCHR in implementing the High Commissioner's country engagement strategy including regional offices.

In her concluding remarks, the High Commissioner affirmed that she looked forward to future interactions with interested members of the Council individually or collectively. She reaffirmed her full support to the UPR and hoped that all required resources would be made available. She also welcomed the adoption by the General Assembly of the Declaration on the Rights of Indigenous Peoples.

#### **Address by the Assistant Minister of Foreign Affairs of Serbia**

On Friday 14 September 2007, **Mr. Feodor Starcevic**, Assistant Minister of Foreign Affairs of Serbia, representing the Chairman of the Committee of Ministers of the Council of Europe, recalled the commitment of the Council of Europe to protect and promote human rights, democracy, and the rule of law. He stated that cooperation between the Council of Europe and the United Nations and in particular the Human Rights Council, was rightly receiving increased attention and mentioned a series of decisions adopted in March 2007 by the Committee of Ministers in order to achieve greater synergy between the human rights activities of the two organizations, taking



into account the fresh opportunities for cooperation created by the establishment of the Human Rights Council.

#### **Review, rationalization and improvement of mandates**

On Friday 14 September 2007, the Council started with the assessment of the mandates of its Special Procedures. It discussed the mandates the Working Group on arbitrary detention and of the Special Rapporteur on freedom of religion and belief.

**Ms. Leila Zerrougui**, Chairperson-Rapporteur of the Working Group on arbitrary detention, described the background of the creation of the Working Group's mandate which included deprivation of freedom of immigrants and asylum-seekers, was specifically legal in nature, and concerned with legality of detention and procedural guarantees. The Working Group was made up of five members from different regions, representing a range of legal systems. It has safeguards to prevent its members from being involved in situations where there might be a conflict of interest. It had developed transparency and impartiality in its methods, making objective pronouncements on arbitrary detention and quasi-jurisdictional procedures for examination of cases, and identifying best-practices. The Working Group carried out country visits that allowed a dialogue with criminal justice and administrative authorities, and helped to address abuses and inconsistencies in detention systems.

**Ms. Asma Jahangir**, Special Rapporteur on freedom of religion or belief, recalled that the mandate had been created by the Commission on Human Rights in 1986 and reviewed in 2000. She underlined that violations of the freedom of religion or belief were often coupled with other human rights violations, including civil and political rights, as well as economic, social and cultural rights. Ms. Jahangir also stressed that the effectiveness and impact of the mandate could not only be judged by statistics; that the post 11 September context had brought to religious intolerance, while advocacy for peace and tolerance had been marginalized. She concluded by saying that she trusted that the review of mandates would preserve the strength of the whole system of special procedures, leading to an increased level of human rights protection and promotion, taking into account the inter-relatedness of all human rights.

In their comments, delegations stressed their readiness for a constructive engagement in the discussions that would enable a resolution on this mandate. They were of the view that the Special Rapporteur played a crucial role in strengthening protection for this precious freedom and affirmed that the mandate should be renewed for a further period of three years. Besides, some delegations expressed the need to have a debate on the rules of procedure guiding the review, rationalization, and improvement of mandates.

The Council will resume the discussion on the review, rationalization and improvement of the mandates of the Working Group on arbitrary detention and the Special Rapporteur on freedom of religion or belief on Monday 17 March 2007.